

# Delaware Solid Waste Authority

P. O. BOX 455

DOVER, DELAWARE 19901

RECEIVED  
RCRA SECTION  
EPA REGION III

JUN 8 1981 000045

ORIGINAL  
(Red)

*N. C. Vasuki, P. E.*  
*General Manager*

Telephone:  
(302-736-5361)

June 8, 1981



SEMS DocID 2330196

The Honorable Ann Gorsuch  
Administrator  
U. S. Environmental Protection  
Agency  
Washington, D. C. 20460

CERTIFIED MAIL NUMBER 0882851  
RETURN RECEIPT REQUESTED

Dear Ms. Gorsuch:

The Delaware Solid Waste Authority operates two sanitary landfills: (1) Northern Solid Waste Facility, located at Pigeon Point, New Castle County, Delaware, which was until January 1, 1981 operated by the Department of Public Works of New Castle County; and (2) the Central Solid Waste Facility, near Sandtown, Kent County, Delaware. Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 provides in part:

"Within one hundred eighty days after the enactment of this Act, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected, a facility at which hazardous substances (as defined in Section 101 (14)(C) of this title) are or have been stored, treated, or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of the Environmental Protection Agency of the existence of such facility, specifying the amount and type of any hazardous substances to be found there, and any known, suspected, or likely releases of such substances from such facility."

To the best of the Delaware Solid Waste Authority's knowledge, and with regard to the Northern Solid Waste Facility in reliance upon representations of officials of the New Castle County Department of Public Works, neither the Northern Solid

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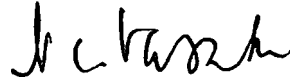
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The Honorable Ann Gorsuch  
June 8, 1981  
Page Two

Waste Facility nor the Central Solid Waste Facility has ever accepted, stored, treated, handled, or disposed of any hazardous substances (as there or any known, suspected, or likely releases of such substances from these two facilities.

Further reference is made to the Delaware Solid Waste Authority's letter of September 17, 1980, to Mr. Jack J. Schramm, Administrator of Region III, a copy of which is attached hereto.

Sincerely yours,



N. C. Vasuki  
General Manager

Enclosure

cc: Mr. Jack J. Schramm

ORIGINAL  
(Red)

# Delaware Solid Waste Authority

P. O. BOX 981

DOVER, DELAWARE 19901

*N. C. Vasuki, P. E.*  
*General Manager*

*Telephone:*  
*(302) 678-5501*

September 17, 1980

Mr. Jack J. Schramm  
Regional Administrator  
Region III  
U. S. Environmental Protection Agency  
Curtis Building  
6th and Walnut Streets  
Philadelphia, Pennsylvania 19106

CERTIFIED MAIL NO. 0882674  
RETURN RECEIPT REQUESTED

Dear Mr. Schramm:

As a result of the recent adoption of hazardous waste regulations by your agency under the Resource Conservation and Recovery Act of 1976, the Delaware Solid Waste Authority has reviewed its programs and proposed operations in order to determine the applicability of the referenced regulatory requirements. As you may know, the Authority was established as a public instrumentality of the State pursuant to Delaware law for the express purpose of performing essential public and government functions regarding the management and disposal of solid wastes on a statewide basis. With respect to hazardous wastes, the Authority has no regulatory powers or management responsibilities since such activities by statute fall within the purview of the Delaware Department of Natural Resources and Environmental Control.

The Authority is currently in the process of opening landfills in New Castle County and Kent County and an Authority-owned and sponsored resource recovery plant is under construction at Pigeon Point, Delaware. In considering the impact of the referenced hazardous waste regulations on the subject Authority facilities, it has been concluded that pursuant to 40 C.F.R. §261.4(b)(1) the household wastes which the Authority will be receiving, by definition, would not be considered hazardous wastes for purposes of regulation. Although the Authority will be receiving a minimum amount of commercial and industrial trash, sanitary waste and other materials, the Authority intends to adopt a regulation which would prohibit the disposal of any hazardous waste at Authority facilities, with hazardous waste being defined in accordance with the recently adopted U. S. EPA regulations.

With respect to the resource recovery facility being constructed at Pigeon Point, it should be noted that a portion of the project involves a sewage sludge processing module which is being funded in part through grants administered by your office. Through contractual arrangements, the Authority is required to process

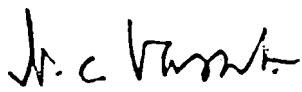
Mr. Jack J. Schramm  
September 17, 1980  
Page Two

the sewage sludge generated by the City of Wilmington sewage treatment plant. Since municipal sewage sludge has not been exempted from the provisions of the referenced hazardous waste regulations, appropriate testing was conducted by the City of Wilmington, which testing indicated that the subject municipal sewage sludge did not exhibit characteristics which would classify as a hazardous waste.

Based on the foregoing, the Authority has not submitted notices or permit applications to your agency under the provisions of the hazardous waste regulations. Considering that the subject regulations are extensive and subject to varying interpretations, the Authority deemed it appropriate to advise you at this time of the manner in which it intends to manage and operate its solid waste disposal and resource recovery facilities.

In the event you foresee any difficulties from a hazardous waste viewpoint regarding the Authority's intended course of action as set forth herein, your comments would be greatly appreciated.

Sincerely yours,

  
N. C. Vasuki  
General Manager

cc: Solid Waste Authority Directors  
F. Michael Parkowski, Esq.  
Mr. Thomas P. Eichler  
Mr. Kenneth Weiss

**Delaware Solid Waste Authority**

P. O. BOX 455

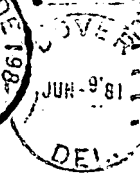
DOVER, DE 19901

**RETURN RECEIPT  
REQUESTED**

**CERTIFIED**

**P18 0882851**

**MAIL**



The Honorable Ann Gorsuch  
Administrator  
U. S. Environmental Protection  
Agency  
Washington, D. C. 20460

# ROUTING AND TRANSMITTAL SLIP

ACTION ~~FILE~~

1 TO (Name, office symbol or location) <del>Mr. Smith</del>	INITIALS	CIRCULATE
2 Mr. Cook	DATE	COORDINATION
3	INITIALS	ORIGINAL (Red)
4	DATE	INFORMATION
	INITIALS	NOTE AND RETURN
	DATE	PER CONVERSATION
	INITIALS	SEE ME
	DATE	SIGNATURE

## REMARKS

Hal Snyder

Do NOT use this form as a RECORD of approvals, concurrences, disapprovals, clearances, and similar actions

FROM (Name, office symbol or location) MARY J. STODDARD Executive Communications (AX)	DATE 6/18/81 PHONE 50500
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